

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.2382 of 2004

Between:

Nadendla Veera Raghavaiah, S/o. Late Ramaiah,
R/o. Potlurivari Street, Old Guntur, Guntur-522010, A.P.

..... PETITIONER

AND

- 1 State of Andhra Pradesh, represented by its Secretary,
Revenue(UC.II) Department, Secretariat Buildings,
Hyderabad-500022, A.P.
- 2 Special Officer-Cum-Competent Authority Under Land Ceiling Office,
5/2, Arundalpet, Guntur-522002.
- 3 Mandal Revenue Officer (Urban), Taluk Office, Main Road,
Brodipet, Guntur-522002.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction especially in the nature of Writ of Mandamus declaring that the petitioners family has no surplus land as per G.O.Ms.No.733, Revenue (U.C.III) Dated 31.10.1988 and the respondents cannot take the possession of 3689.12 Sq.meters in S.No.517/8 in Guntur Village, as directed by 2nd respondents notice Under Section 10 (5) of Urban Land (Ceiling & Regulation) Act.1976 dated 23-1-1992.

Counsel for the Petitioner: MR.R.PRABHAKAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioner is son of one Nadendla Ramaiah, who died intestate owning lands in Survey No.517 admeasuring Acs.1.25½ in Guntur town. After the death of Ramaiah, the property devolved on his wife (mother of the petitioner), and three sons and four daughters. It appears Ramaiah during his lifetime filed declaration under the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (for brevity, 'the Act') and he was declared surplus. Notice under Section 10 (5) of the Act was issued to the mother of the petitioner and respondent No.3 and his subordinates tried to take possession of the land admeasuring 3689.12 Sq.mts., from the petitioner and his mother. The petitioner then filed the present writ petition, *inter alia*, contending that the land is not governed by the provisions of the Act and under mistaken impression a declaration was filed. It is also contended that as per the orders of the Government in G.O.Ms.No.733, dated 31.10.1988, land to the extent of 10,000 Sq.mts., is exempted from the purview of the Act which benefit should be given to the petitioner's family members. He seeks a declaration that the petitioner's family has no surplus land. At the time of hearing of the interlocutory matter, the learned Assistant Government Pleader basing on the counter affidavit submits that the petitioner's sister Smt.Akula Prasoonamba filed a writ petition being W.P.No.11026 of 2004 for a similar relief and that having regard to the orders of this Court dated 1.7.2004, the matter was considered afresh and revised final orders under Section 8 (4) of the Act was given declaring the petitioner and members of the family of Ramaiah as non-surplus land holders. A copy of the order in ULC No.5/78 dated 02.8.2004 issued to that effect is also placed before this Court and the same made part of the record. In that view of the matter, no further orders are necessary in this writ petition, as the second respondent has already passed orders.

The writ petition is, therefore, dismissed as infructuous.

November 19, 2004. **V.V.S. RAO, J**

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To

1. The Secretary, Revenue(UC.II) Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad-500022, A.P.
2. The Special Officer-Cum-Competent Authority Under Land Ceiling Office, 5/2, Arundalpet, Guntur-522002.
3. The Mandal Revenue Officer (Urban), Taluk Office, Main Road, Brodipet, Guntur-522002.
4. Two C.C.s to the Government Pleader for Revenue, High Court Buildings, Hyderabad (O.U.T)
5. Two C.D. Copies.